IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 3RD OCTOBER 2007 / 11TH ASWINA 1929

Bail Appl..No. 5924 of 2007()

C.R.NO.27/07 OF RANNI EXCISE RANGE
CRMP.3236/2007 of J.M.F.C.,RANNI

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PETITIONER/1ST ACCUSED

SATHYAN, AGED 44 YEARS,
S/O GOPALAN, MAMPARAKKARA,
PONNUTHUNDIL VEEDU, PERUNAD VILLAGE,
RANNI TALUK.

BY ADV. SRI.V.SETHUNATH

RESPONDENTS:
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1. THE EXCISE INSPECTOR,
RANNI EXCISE RANGE.

2. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 03/10/2007, A/W. BA 5925 OF 2007 THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.Nos. 5924 & 5925 of 2007

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Dated this the 3rd day of October, 2007

O R D E R

The common petitioner in these applications faces allegations in two separate crimes registered under the Kerala Abkari Act. The petitioner was allegedly found to be in possession of 175 litres of spirit on 12.5.07 and 10 litres of arrack and spirit on 1.9.2007. He was arrested on 1.9.2007 in Crime No.42 of 2007. His arrest was recorded in the other crime later on 15.9.2007. The petitioner continues in custody from that date.

2. The learned counsel for the petitioner submits that the petitioner is innocent. The petitioner who has remained in custody from 1.9.2007 may now be enlarged on bail, submits the counsel.

3. The learned Prosecutor opposes the application. Considering the fact that there are two cases against the petitioner and the fact that the contraband article includes spirit and that the quantity of spirit found in the possession of the petitioner is 175 litres and 10 litres, the prosecution is obliged to oppose the application, submits the learned Prosecutor. In a serious crime like this the

Investigators may be given sufficient and reasonable time to complete the investigation, submits the Prosecutor.

4. In the wake of opposition by the Public Prosecutor regular bail can be granted to the petitioner only if this court is in a position to entertain both the satisfactions contemplated under Section 41A of the Kerala Abkari Act. In the facts and circumstances of this case, I am unable to entertain either of those satisfactions. I am satisfied that the petitioner is not entitled for bail at this stage.

5. This application is, in these circumstance, dismissed. But I may hasten to observe that the petitioner shall be at liberty to move the court for bail again at a later stage of the investigation, not at any rate, prior to 17.10.2007. The Investigators shall, in the meantime, make every endeavour to complete the investigation.

(R. BASANT)
Judge

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